

REMARKS

Claims 14-17 are pending in the application. By this paper, the Specification is amended. Entry of this amendment is respectfully requested in order to place the application in condition for allowance or to narrow the issues for appeal.

On July 12, 2004, a Petition For An Unintentionally Delayed Claim For Priority Under 37 C.F.R. § 1.78 was filed requesting addition of a claim to priority to U.S. application number 09/872,737, filed June 1, 2001. An Amendment was filed on that same date amending the Specification to add the requisite claim to priority. As far as Applicant has been able to determine, that Amendment was not entered.

In a Decision on Petition mailed October 21, 2004, the petition under 37 C.F.R. § 1.78(a)(3) was dismissed. According to the Decision,

a proper amendment adding the claim has not been filed. Rule 78 may not be used to incorporate by reference material which was not previously incorporated by reference. In this case, the amendment [filed July 12, 2004] seeks to incorporate by reference the contents of application no. 09/872,737.

A Supplementary Amendment After Final Rejection was filed on November 4, 2005, along with a Request for Reconsideration of the petition under 37 C.F.R. § 1.78(a)(3). By Decision on Petition dated March 9, 2005, the petition was dismissed and it was determined that the application was abandoned. The March 9 Decision stated "Petitioner may wish to file a petition under 37 CFR 1.137 to revive the application along with a Request for Continued Examination."

Accordingly, by this paper, the Specification is proposed to be amended at page 1, line 5, to correct the claim to the priority of application serial number 09/872,737 added in the (unentered) Amendment dated July 12, 2004. Entry of the present amendment and advancement of the application to allowance is respectfully requested.

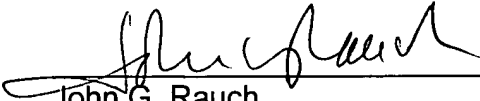
Under separate cover, and on even date herewith, Applicant has also filed

- (1) a Petition Under 37 CFR 1.137(b) to Revive Unintentionally Abandoned Application and
- (2) a Petition for an Unintentionally Delayed Claim for Priority under 37 CFR § 1.73. In accordance with PTO rules, the two petitions have been sent by express mail to Mailstop Petitions at the PTO.

Application no. 09/915,801
Amendment dated: June 7, 2005

With this response, the application is believed to be in condition for early action on the merits. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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June 7, 2005
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